



Maine Human Rights Commission

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Amy M. Sneirson
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MEMORANDUM

To: Persons filing complaints at the Maine Human Rights Commission
From: Amy Sneirson, Executive Director
Date: February 9, 2015
Re: Commission Changes in Early Case Processing Procedure
Effective for cases filed on/after Jan. 1, 2015

As many of you have noticed, our office's handling of paperwork - notification of new complaints, respondents' answers to complaints and Commission requests for information/documents ("Answer"), and complainants' replies ("Reply") - has slowed to a painful crawl. We have had a staff shortage for several months, with a direct and obvious impact on our ability to efficiently process complaints and cases before they are assigned to an investigator. This has given us some critical insights about our early case management, particularly how much time we spend each day handling extension requests for Answers and Replies. This is simply unnecessary, as is the staff time involved with managing cases we are holding out of our typical Answer/Reply process - requests for administrative dismissal, mediation requests, etc. With this in mind, we are adjusting how we process cases before they are assigned to an investigator. **Some key changes in how we manage case processing are coming soon.** This will not affect how we handle housing complaints. We are letting you know now so you can adjust your expectations.

- **FILING THE ANSWER AND REPLY (NOT FOR HOUSING CASES)**

- *Mandatory deadlines with no extensions:*
 - Notification of a typical new complaint filed will be sent to the respondent with the **Answer to be filed within eight weeks**. Similarly, a complainant will have a set amount of time – **eight weeks - to file a Reply**. There will be **no extensions** granted.
 - If a case is marked at filing with a "**red dot**" due to an existing relationship between complainant and respondent (or some other emergent reason), respondent and complainant will have **six weeks** to file the respective Answer and Reply submissions.
 - If a respondent or complainant files an Answer early, the Reply deadline will speed up accordingly!
- **If you have a sincere life-and-death emergency that necessitates extra time for an Answer/Reply, you can contact Executive Director Amy Sneirson directly at amy.sneirson@mhrc.maine.gov.**
 - Do **not** contact the front office staff about an extension.
 - It is likely that your extension request will be denied, unless it is a genuine emergency. Genuine emergencies do not include vacations, deadlines in other cases, or internal delays in sending the complaint to the right recipient. The MHRC has no desire to be mean or heartless about this; we just no longer can manage cases the way we've been doing it.

- If you are angry about not receiving an extension, do **not** take it out on the Commission staff - this is solely the decision of the Executive Director.
- We will change our cover letters and online information to reflect these non-negotiable deadlines.
- **ADMINISTRATIVE DISMISSAL**
 - We will no longer interrupt the Answer/Reply process for administrative dismissal requests.
 - If a respondent believes dismissal is in order, it should go ahead and include that in its Answer submission. We will consider it after the Answer and Reply are in.
 - *If a respondent chooses not to make a substantive Answer, relying instead on having dismissal granted, the Commission will assume that the respondent has said all it has to say in defense on the claim and act accordingly.*
- **MEDIATION**
 - If a party wants to request mediation, it should make that request in addition to making its timely Answer or Reply. *If party wants mediation more quickly, it should submit its substantive Answer or Reply more quickly.*
 - We will consider the mediation request once the timely Answer and Reply are received.
- **TRACKING AFTER ANSWER/REPLY**
 - Once we have the Answer and Reply in each case, the Chief Investigator will review the status of the case and determine its trajectory.
 - A case may need red-dot tracking at that point, if emergent issues have become evident.
 - A case may also be suitable for administrative dismissal at this point.
 - As noted above, *if we receive the respondent's Answer and then the Reply, and there is no substantive information provided by respondent to counter the complainant's allegations, the Commission may take that into account in determining if administrative dismissal is appropriate.*
 - If we are considering dismissal, we may determine that without further information from the parties, or may give the parties a short time to make final submissions.
 - A dismissal decision will come from the Executive Director.
 - If the Executive Director denies administrative dismissal, the case may be sent to an investigator for a fuller investigation. Parties can always talk with the assigned investigator about submitting additional evidence as the case proceeds.
 - A case may also be suitable for mediation at that point. If so, the Chief Investigator will involve Compliance Manager Jill Duson in determining how to proceed.

The process changes outlined above will be in effect for cases that were filed as of January 1, 2015 onward (other than housing cases). If you have a case filed in 2015, your case will move along on this accelerated process. If you have a 2013 or 2014 case, we will apply the old process to your case. We are still a ways off from sending out notifications for the 2015 cases, so this is advance information for all.

We at the Commission are hopeful that these changes will allow us to help you and your clients more quickly. Please contact the Commission at 624-6290 with questions about the new early case processing procedures.